

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Alexandria Division**

ELISA BO KIM (formerly BOSONG  
MAYER)

Plaintiff,

v.

AMUSEMENTS OF AMERICA, INC.  
D/B/A AMUSEMENTS OF AMERICA

Defendant.

Civil Action No.: 1:22-cv 427(PTG/JFA)

**DEFENDANT’S FIRST AMENDED RULE 26(a)(3) PRETRIAL DISCLOSURES**

Defendant Defendants Amusements of America, Inc., d/b/a Amusements of America (“Defendants”), by counsel, pursuant to the Federal Rules of Civil Procedure 26(a)(3) and in accordance with the Order entered July 11, 2022, (Dkt. No. 6), hereby make the following amended pretrial disclosures:

**I. Defendant’s Proposed Written Stipulation of Uncontested Facts**

At this time, there are no undisputed facts identified by the parties in this matter.

Defendant reserves the right to provide such statement as the parties may agree in advance of trial.

**II. Defendants’ Witness List**

**A. Witnesses Defendants Expect to Present at Trial**

1. Plaintiff
2. Pat Hoffman
3. Dr. John Hall

4. Dominic Vivona, Amusements of America
5. Kelly Cobb, claims specialist, Sedgwick

**B. Witnesses Defendants May Call if the Need Arises**

1. Defendant reserves the right to call any and all parties in this lawsuit.
2. Defendant reserves the right to call any and all expert witnesses and fact witnesses listed by any party in this lawsuit and not objected to.
3. Defendant reserves the right to call any and all witnesses arising out of discovery not completed to date, including all witnesses listed in any parties/ initial disclosures and/or interrogatory responses.
4. Defendant reserves the right to call impeachment and rebuttal witnesses as necessary.
5. Defendant reserves the right to call any custodian of records necessary to authenticate evidence.
6. Defendant reserves the right to amend and/or supplement this witness list at any time in the future.

**III. Defendants' Witnesses by Deposition**

At the present time there are no witnesses which Defendants expect to present by deposition. They will promptly counter-designate as to deposition extracts designated by plaintiff, and reserve the right to supplement this section accordingly.

**IV. Defendants' Exhibit List**

**A. Exhibits Defendants Expect to Offer at Trial**

1. Photographs of ride
2. Report of Pat Hoffman
3. Report of Dr. John Hall
4. CV of Pat Hoffman

5. CV of Dr. John Hall
6. Plaintiff's interrogatory responses
7. Photographs (screenshots) of Plaintiff's fitness activity
8. Metadata for images provided in Plaintiff's discovery responses
9. Image chronology of images provided in Plaintiff's discovery responses

**B. Exhibits Defendants May Offer if the Need Arises**

1. Defendant reserves the right to use the parties' pleadings, motion papers, Objections and Responses to Interrogatories, Objections and Responses to Requests for Production of Documents, and Objections and Responses to Requests for Admission.
2. Any exhibit or document offered by the plaintiff to which the Defendants do not object.
3. Defendants reserve the right to introduce additional exhibits for rebuttal and impeachment purposes.
4. Defendants reserve the right to supplement parts A and B of this exhibit list.

DATED: October 19, 2022

Respectfully submitted,

**WILSON, ELSE, MOSKOWITZ,  
EDELMAN & DICKER, LLP**

By: /s/ Jason R. Waters  
Jason R. Waters (VSB #73887)  
8444 Westpark Drive, Suite 510  
McLean, Virginia 22102  
Tel.: (703) 245-9300  
Fax: (703) 245-9301  
jason.waters@wilsonelser.com  
*Counsel for Defendants*

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 19<sup>th</sup> day of October, 2022, I will electronically file the foregoing with the Clerk of Court using the CM/ECF system, which will then send notification of such filing to all counsel of record:

Craig A. Brown, Esq.  
The Law Office of Craig A. Brown, P.C.  
9300 Grant Avenue, Suite 101  
Manassas, VA 20110  
cbrowninjurylawyer@gmail.com  
*Counsel for Plaintiff*

/s/ Jason R. Waters  
Jason R. Waters (VSB #73887)  
WILSON, ELSER, MOSKOWITZ,  
EDELMAN & DICKER, LLP  
8444 Westpark Drive, Suite 510  
McLean, Virginia 22102  
Tel.: (703) 245-9300  
Fax: (703) 245-9301  
jason.waters@wilsonelser.com  
*Counsel for Defendants*